

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

BERNHARDT TIEDE, II,

Plaintiffs,

v.

BRIAN COLLIER, et al.

Defendants.

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Civil Action No.
1:23-CV-1004-RP

**PLAINTIFF'S RESPONSE IN OPPOSITION TO DEFENDANTS TEXAS
DEPARTMENT OF CRIMINAL JUSTICE AND BRYAN COLLIER'S MOTION TO
DISMISS**

Exhibit 8

Excerpts from Deposition of TDCJ Health Services
Division Director Lannette Linthicum, M.D.

Lannette Linthicum - 1/13/2016

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

STEPHEN McCOLLUM and SANDRA
McCOLLUM, individually, and
STEPHANIE KINGREY,
individually and independent
administrator of the Estate
of LARRY GENE McCOLLUM

PLAINTIFFS

v.

LANNETTE LINTHICUM, JEFF
PRINGLE, RICHARD CLARK,
KAREN TATE, SANDREA SANDERS,
ROBERT FASON, the UNIVERSITY
OF TEXAS MEDICAL BRANCH and
the TEXAS DEPARTMENT OF
CRIMINAL JUSTICE

DEFENDANTS

KEITH COLE, JACKIE BRANNUM,
RICHARD KING, DEAN ANTHONY
MOJICA, RAY WILSON, FRED
WALLACE, and MARVIN RAY
YATES, individually and on
behalf of those similarly
situated,

Plaintiffs,

v.

LANNETTE LINTHICUM, in his
official capacity, ROBERTO
HERRERA, in his official
capacity, and TEXAS
DEPARTMENT OF CRIMINAL
JUSTICE,

Defendants.

CIVIL ACTION NO.
4:14-cv-3253
JURY DEMAND

CIVIL ACTION NO.
4:14-cv-1698

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Lannette Linthicum - 1/13/2016

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REPORTER'S CERTIFICATION
DEPOSITION OF LANNETTE LINTHICUM
January 13, 2016
VOLUME 1

* * * * *

ORAL AND VIDEOTAPED DEPOSITION OF LANNETTE
LINTHICUM, produced as a witness at the instance of the
Plaintiffs, and duly sworn, was taken in the above-styled and
numbered cause on the 13th day of January, 2016, from 9:18 a.m.
to 3:59 p.m., before Abigail Guerra, CSR, in and for the State
of Texas, reported by machine shorthand, before Honorable Keith
Ellison, at the United States District Courthouse, 515 Rusk,
Houston, Texas, pursuant to the Federal Rules of Civil
Procedure and the provisions stated on the record or attached
hereto.

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Lannette Linthicum - 1/13/2016

A P P E A R A N C E S

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Lannette Linthicum - 1/13/2016

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ALSO PRESENT:

Mr. Kevin Schaeffer, Videographer
Ms. Jennifer Osteen
Ms. Kamilla L. Stokes
Ms. Ashley Palermo
Ms. Brian M. Sears
Mr. Daniel C. Neuhoff
Ms. Heather Rhea
Ms. Lori K. Erwin
Ms. Glenda Adams
Ms. Ariel Wiley
Mr. Phillip Boyd
Mr. Derek Kammerlacher
Dr. Owen Murray
Judge Keith P. Ellison
Ms. Rebecca Vogel

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Lannette Linthicum - 1/13/2016

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2	Final Autopsy Report Bates Nos. CADDELL P0319 to 331	169
3	Administrative Directive AD-10.64 Dated August 9, 2006 Bates Nos. BAILEY 03054 to 55	178
4	Administrative Directive AD-10.64 Dated July 11, 2003 Bates Nos. BAILEY 031022 to 31	180
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1 Greer. I hereby order that.

2 But we're not going to have a free range of
3 discussion of her health.

4 MR. EDWARDS: I've seen the document. I
5 understand what you're saying, Your Honor.

6 THE COURT: Can we proceed with the deposition
7 now?

8 MR. EDWARDS: Yes.

9 THE COURT: Yes, ma'am. If you could make your
10 way up here. Good morning.

11 THE WITNESS: Good morning.

12 THE COURT: And before take your seat, I'll
13 administer the oath. If you could raise your right hand --

14 Or do you want to do that? Would you prefer
15 doing that?

16 THE REPORTER: It doesn't matter. Whatever the
17 Court pleases.

18 (Witness sworn.)

19 THE COURT: Try to make yourself comfortable.
20 You may inquire.

21 MR. EDWARDS: Thank you, Your Honor.

22 LANNETTE LINTHICUM,
23 having been first duly sworn, testified as follows:

24 DIRECT EXAMINATION

25 BY MR. EDWARDS:

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Lannette Linthicum - 1/13/2016

1 Q. Would you kindly state your name for the record.

2 A. My name is Lannette Linthicum.

3 Q. And what is your profession?

4 A. I'm a physician by trade.

5 Q. And you work for the Texas Department of Criminal
6 Justice?

7 A. Yes.

8 Q. And how long have you worked for the Department of
9 Criminal JUSTICE?

10 A. I'm entering my 30th year.

11 Q. So if I go back in time, that would be -- you've
12 practice medicine since 1985 or 1986?

13 A. I completed my postgraduate medical training in 1986.

14 Q. Okay. Where did you go to medical school?

15 A. I attended medical school at the University of
16 Maryland in Baltimore, Maryland.

17 Q. Did you grow up on the East Coast?

18 A. Yes.

19 Q. Whereabouts?

20 A. Baltimore, Maryland.

21 Q. Following your graduation from medical school, what
22 did you do for your residency?

23 A. I was part of the United States Public Health
24 Service, the National Health Service Corps in particular. It's
25 a branch of the United States Public Health Service, a civil

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Lannette Linthicum - 1/13/2016

1 Q. Okay. You are -- what you is job again at TDCJ?

2 A. Director of Health Services Division.

3 Q. And as you testify here in today in preparation, in
4 part as a 30(b)(6) witness, about the dangers of heat and the
5 training that your people get, you do not know the number --
6 the temperature at which the heat and humidity matrix indicates
7 potential danger due to heat?

8 MS. BURTON: She has to review the policy, Your
9 Honor.

10 A. First of all --

11 Q. (BY MR. EDWARDS) She can say she doesn't know if she
12 doesn't know.

13 A. I need clarification. What is 30(b)(6)?

14 THE COURT: That means -- the question posed to
15 you as a 30(b)(6) mean the questions with your answers will
16 bind the corporation or bind the agency or bind the department.

17 THE WITNESS: Okay. Let me explain a little bit
18 about how we're organized --

19 Q. (BY MR. EDWARDS) Could you first answer my question?

20 A. Well, in order to answer it, I need to explain the
21 organization. My position as director of Health Services has
22 no responsibility for direct patient-care services that are
23 provided at the TDCJ units. The medical staff on the units are
24 not employees of the Texas Department of Criminal Justice.
25 They are employees of the University of Texas, Medical Branch,

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Lannette Linthicum - 1/13/2016

1 and they are employees of Texas Tech University Health Science
2 Center or a subcontractor to the university. So all training
3 and employee issues are the responsibilities of the university
4 providers and not TDCJ Health Services.

5 My role in the Correctional Managed Healthcare
6 program is primarily that of a contract monitor.

7 MR. EDWARDS: Your Honor, would you instruct
8 Dr. Linthicum to please answer my question.

9 A. I'm trying to answer. You said my employees, and I'm
10 trying to clarify they are not my employees. Unit staff, unit
11 medical staff.

12 THE COURT: Okay. Well, let's try one more time
13 the question, and then get her answer one more time.

14 MR. EDWARDS: Abby, would you please repeat the
15 question.

16 THE COURT: It goes on for a ways.

17 (Requested portion read back.)

18 A. The issue I have with the question is the training
19 your people get. Can you clarify, who are you talking about
20 when you say "your people"?

21 Q. (BY MR. EDWARDS) No, ma'am.

22 MR. EDWARDS: Your Honor, would you instruct
23 Dr. Linthicum to please answer my question.

24 THE COURT: Is there a benchmark at which heat
25 is considered severe? It is 90 degrees? 100 degrees? Is

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Lannette Linthicum - 1/13/2016

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PLAINTIFFS

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PRINGLE, RICHARD CLARK,
KAREN TATE, SANDREA SANDERS,
ROBERT FASON, the UNIVERSITY
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the TEXAS DEPARTMENT OF
CRIMINAL JUSTICE

DEFENDANTS

KEITH COLE, JACKIE BRANNUM,
RICHARD KING, DEAN ANTHONY
MOJICA, RAY WILSON, FRED
WALLACE, and MARVIN RAY
YATES, individually and on
behalf of those similarly
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* * * * *

REPORTER'S CERTIFICATION
DEPOSITION OF LANNETTE LINTHICUM
January 13, 2016
VOLUME 1

* * * * *

I, ABIGAIL L. GUERRA, Certified Shorthand Reporter,
in and for the State of Texas, hereby certify to the following:

That the witness, LANNETTE LINTHICUM, was duly sworn
by the officer and that the transcript of the oral deposition
is a true record of the testimony given by the witness;

I further certify that pursuant to Federal Rules of
Civil Procedure (30)(e)(1)(A) and (B) as well as Rule
(30)(e)(2) that the signature of the deponent:

I further certify that pursuant to FRCP Rule
30(f)(1) that the signature of the deponent:

 X was requested by the deponent or a party before
the completion of the deposition and that signature is to be
before any notary public and returned within 30 days from date
of receipt of the transcript.

If returned, the attached Changes and Signature Page
contains any changes and the reasons therefore:

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1 _____ was not requested by the deponent or a party
2 before the completion of the deposition.

3
4 That \$_____ is the deposition
5 officer's charges for preparing the original deposition
6 transcript and any copies of exhibits, charged to STEPHEN
7 McCOLLUM and SANDRA McCOLLUM, individually, and STEPHANIE
8 KINGREY, individually and independent administrator of the
9 Estate of LARRY GENE McCOLLUM, individually and on behalf of
10 those similarly situated;

11
12 That pursuant to information given to the deposition
13 officer at the time said testimony was taken, the following
14 includes all parties of record:

15 FOR THE PLAINTIFFS:

16 STEPHEN McCOLLUM and SANDRA McCOLLUM, individually, and
17 STEPHANIE KINGREY, individually and independent administrator
of the Estate of LARRY GENE McCOLLUM

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Lannette Linthicum - 1/13/2016

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Lannette Linthicum - 1/13/2016

1
2 I further certify that I am neither attorney, nor
3 counsel for, nor related to, nor employed by any of the parties
4 or attorneys to the action in which this deposition was taken;

5 Further, I am not a relative, nor an employee of any
6 attorney of record in this cause, nor am I financially or
7 otherwise interested in the outcome of the action.

8 Certified to by me this 28th day of January, 2016.
9
10
11

12 

13 ABIGAIL GUERRA, Texas CSR 9059
14 Expiration Date: 12/31/17
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